In the Supreme Court of the United States

OCTOBER TERM, 1935

No. ——

UNITED STATES OF AMERICA, APPELLANT

v.

THE ACME CAN COMPANY

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION TO THE APPELLEE'S MOTION TO DISMISS OR AFFIRM

In its statement making against jurisdiction in the instant case the appellee has included a motion to dismiss or affirm which is identical in all respects with that filed by the appellees in *United States, Appellant* v. *Charles Resnick and Joseph Resnick, Partners, Trading as L. Resnick & Sons* (No. ——, present term). As the pertinent facts are identical in the two cases, the Government feels that it is unnecessary to do more in the instant case than to make reference to its brief in opposition to the motion to dismiss or affirm in the *Resnick* case, which discusses at length the contentions urged by the appellee herein.

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For the reasons stated in the Government's brief in opposition to the motion to dismiss or affirm in the *Resnick* case, we respectfully submit that the motion to dismiss or affirm in the present case should be denied.

STANLEY REED,
Solicitor General.
BRIEN MCMAHON,
Assistant Attorney General.
WILLIAM W. BARRON,
W. MARVIN SMITH,
Attorneys.

MAY 1936.

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